

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

29.59

FALL PROTECTION AND GRAIN INSPECTORS

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I. Background:

WAC 296-24-75007 requires employers subject to the Washington Industrial Safety and Health Act (WISHA) to provide a guardrail on "every open-sided floor or platform 4 feet or more above adjacent floor or ground level." In practice, the department accepts alternate fall protection (harnesses, etc.) where a standard guardrail is not feasible or appropriate.

Based on a WISHA Policy & Technical Services (P&TS) review of the grain inspection process, it is clear that inspections are done rapidly and -- when inspecting rolling stock rather than at a fixed site - the inspectors spend only a few minutes on each car.

The grain inspection process requires the following actions by the grain inspector:

- a. Open the hatch cover
- b. Insert the sampling rod
- c. Remove sampling rod
- d. Place the sample into tray then bag
- e. Close the hatch and place seal

In relation to rolling stock inspections, WISHA P&TS and the WSDA cooperated in reviewing methods of fall protection developed by WSDA and outside vendors. In most rolling stock situations, it seems clear that the use of full body harnesses and "portable" anchorage points actually will involve greater exposure due to the time involved. Under exceptional circumstances (for example, extreme weather conditions), fall protection or other protective measures may be necessary even in relation to rolling stock.

In relation to fixed sites, it seems clear that fall protection is in most cases technically feasible. However, the feasibility of using body harnesses and lanyards attached to overhead structures not owned or controlled by WSDA will need to be evaluated on a case-by-case basis. The WSDA has been advised of the need to complete such an evaluation and to identify at which locations standard fall protection will be expected of its grain inspectors (as well as to identify the reason why standard fall protection is not feasible at any fixed site where the inspectors are not being required to use it).

II. Scope and Application:

This WISHA Regional Directive, which remains in effect indefinitely, provides guidance to WISHA staff regarding these issues. This WRD incorporates the substance of WISHA Interim Interpretive Memorandum #96-11-L, which is hereby rescinded.

III. Interpretive Guidance

A. Should the WSDA be cited for failure to provide fall protection in marine terminals?

The WSDA must not be cited for failure to provide either guardrails or standard fall protection to its inspectors operating in marine terminals. In determining whether the location in question is a marine terminal, WISHA staff shall give primary consideration to the facility's *current* use, rather than one or more previous uses of the facility.

B. What fall protection requirements apply to WSDA in other facilities?

In facilities other than marine terminals, the WSDA may be cited only for a failure to provide the maximum feasible fall protection.

- a. At a minimum, the maximum feasible fall protection can be expected to include fall hazard awareness training, work practices, and appropriate administrative controls.
- b. In relation to fixed site inspections, the WSDA can be expected either to provide conventional fall protection or to produce documentation demonstrating such fall protection is not feasible at a particular site (such as the site owner's refusal to allow the use of overhead fixtures for anchorage points).
- c. In facilities where grain inspections are performed on rolling stock, the WSDA cannot normally be expected to provide conventional fall protection. If, due to exceptional circumstances (such as extreme weather conditions), the WISHA compliance officer believes a citation is merited, he or she must consult with WISHA P&TS before the closing conference occurs or a citation is issued.

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